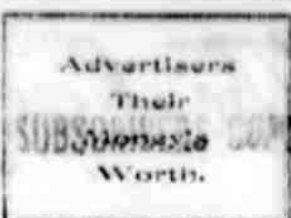




The People Get All the News of the Day.

EVENING BULLETIN

From the Progressive Bulletin.



VOL. IX. No. 1608.

HONOLULU, TERRITORY OF HAWAII, MONDAY, AUGUST 13, 1900.

PRICE 5 CENTS.

CIRCUIT COURT HAS JURISDICTION

Judge Estee Rules That Any Court of Record May Make Citizens.

THE FEDERAL COURT WILL GO TO HILO

Remarks by Court on Request of Committee From Other Islands--Finds Authority in Revised Statutes.

Judge Estee addressed the members of the bar in his Court this morning as follows:

This Court has been waited on by a committee from various other islands of this Territory, requesting the Judge of this Court as a United States District Court, to visit those various islands for the purpose of naturalizing people and making them citizens of the United States.

The Court is ready and willing to do that duty, or any other duty imposed upon it by law. And, it may be pertinent to say, after a careful examination of the law:

While this Court has jurisdiction yet this Court is compelled to say, that it believes that the Circuit Court of the Territory of Hawaii has absolute jurisdiction, not exclusive, to make citizens of the United States. Therefore the Court ventures to call the bar's attention to a little law in relation thereto, I call attention to Section 2165 of the Revised Statutes of the United States, Page 378:

"Sec. 2165. An alien may be admitted to become a citizen of the United States in the following manner, and not otherwise:

"First. He shall declare on oath, before a circuit or district court of the United States, or a district or supreme court of the Territories, or a court of record of any of the States having common law jurisdiction, and a seal and clerk, two years, at least, prior to his admission, that it is bona fide his intention to become a citizen of the United States, etc."

Judge Estee laid emphasis on the provision that a court of record having a seal and clerk could effect naturalization of aliens.

In further discussing the request from the other islands, Judge Estee said it was his intention, as soon as convenient, to hold a session of the District Court at Hilo.

ON LIHUE STRIKE.

A gentleman who came from Kanae in the W. G. Hall Sunday has the following to say about the recent strike of Japanese at Lihue plantation: "The manager, when he saw what a rumpus the striking Japanese were kicking up, paid off a hundred Japanese in time for them to catch the steamer for Honolulu and told them to get out. To show that the whole strike was a bluff, only one of the whole hundred left the plantation.

"The strike could not have come at a better time. There was nothing much doing and the strike netted the plantation in the neighborhood of \$600 a day. Besides this, a small amount was charged the striking Japanese for room rent."

His Mother Paid Fine.

Shunk, charged with being a disorderly person, appeared in the Police Court today. On account of his shady doings and frequent appearance in the Police Court, Judge Wilcox told him the h in his name should be changed to a k. Continuing, he said: "The Sheriff says this is an ordinary case. Unfortunately I have read the Advertiser this morning. I will fine you \$2 and costs." Shunk's mother paid the young man's fine in Court and the latter was released from custody.

Democrats of Maui.

Waikuku, Aug. 11.—The Waikuku Democrats are expecting Prince David and other leaders of their party to be up here in the coming few weeks. A luncheon will be given at the Waikuku home of W. H. Cornwell on the occasion of their visit. The local Democrats will do their utmost to give the Prince and his suite a grand welcome.

LINEN CENTERPIECES.

Iwahahi, Hotel street, is offering a new line of linen centerpieces for tables, embroidered in fancy colors.

Fine Job Printing at the Bulletin Office.

BARNEY SAYS IT WAS SELF-DEFENSE

Says He Was Forced to Shoot Yardmaster Lorbeer Sunday.

TERRIBLE TRAGEDY AT O. R. & L. CO.'S YARDS

John Lorbeer Victim—Two Bullet Wounds Cause Death—Physicians Did All They Could But Wounds Were Fatal.

John W. Lorbeer, yardmaster of the O. R. & L. Co. was shot twice and killed at about 8:15 o'clock Sunday morning by a 38-calibre revolver in the hands of Samuel Barney, a train hand.

There is a discrepancy as to the story told by the witnesses to the tragedy and it is probable the whole truth will not be known until the case comes to trial.

The story as gleaned from some in that Lorbeer was making up the 9:15 train and that a number of O. R. & L. employees were waiting around to go aboard to be taken to the huan at Makua.

At about this time a Portuguese, Cabral by name, complained that he had trouble with Barney and that the latter had called his a vile epithet. Lorbeer went down the track a bit in the yard and, on the way down, caught sight of Barney at the side. He jumped off and after some hot language had passed between the two men, two shots were fired at quite a little interval. Lorbeer fell and the train men closed in. The yardmaster was slung rapidly from two terrible wounds. Dr. Cooper and the patrol wagon were telephoned for, the former arriving just at about the time the latter was leaving for the hospital with the wounded man.

At the hospital Dr. Wood probed for the first bullet. From the examination it could be seen that there was internal hemorrhage. Everything possible was done for the man but he died in a very short time. Either one of the wounds would have proved fatal as was found by an examination.

Lorbeer remained conscious almost to the last and when asked who shot him he mentioned Barney. He also stated that there were a lot of witnesses. The body of the deceased was taken to the undertaker's and embalmed. Word will be awaited from the family of deceased in Pomona, Cal.

Barney was seen in his cell at the police station today. He was very guarded at first, stating that he intended retaining counsel this afternoon and, on that account, wished to remain silent until advised. However, he finally made the following statement: "I shot John in self defense. He jumped off the car when he arrived near me and after asking what was the matter with me, he deliberately struck me. I did not know what was the matter with him. Instead of stopping there, he followed me up and, even when I was knocked down, continued to punch me. It was then that I shot and my action was in self defense."

"I did have trouble with the Portuguese, Cabral, and, after his conduct became more than I could stand, I did hit him."

"I took a revolver with me because I expected to go to Makua and thought I might get some shooting along the road or at that place. I was not looking for any trouble and had no idea that any would develop. John and I were always on good terms."

Lorbeer was born in Iowa 28 years ago but lived for most of his life in California. For many years he was city marshal of Pomona. Deceased was a member of Pomona Lodge, No. 246, I. O. O. F. He came to the islands two years ago. He was assistant to James T. Taylor, the civil engineer and went to work for the O. R. & L. Co. about eight months ago.

Surprise Party.

Quite a number of friends of Mr. and Mrs. Joseph Fernandez gave them a pleasant surprise Sunday evening, the occasion being the third anniversary of their marriage. After doing justice to the good things brought by the surprise, an enjoyable time was had in singing and games till quite late. Those present were: Mr. and Mrs. M. A. Gonzalez, Mr. and Mrs. M. A. Silva, Mr. and Mrs. Alfred Silva, Mr. and Mrs. Hough, Mr. and Mrs. J. Madeira, Mrs. M. Hoteho, J. A. Camara, A. P. Hoteho, M. Viera, John B. Dias, Jos. J. Dias and a number of others.

The Evening Bulletin, 75 cents per month.

IN THE FEDERAL COURT

HABEAS CORPUS CASE PRELIMINARY HEARING

Judge Estee Makes More American Citizens and Admits Several Attorneys to Practice in United States Courts.

The habeas corpus case, in which a Chinaman is the subject, came before Judge Estee in the United States District Court this morning. Messrs. Brooks and Berry appeared for the petitioner, and District Attorney Baird for the respondent. J. K. Brown, Inspector of Immigration, Collector Stackable was also in court, he being the official deciding against the admission of the Chin man to this country.

Mr. Brooks was arguing for the writ, when the Court wished to be informed of the exact status of the case. The attorney answered that they contended the petitioner did not come within the Chinese Exclusion Act. They could prove that this Chinaman was born in the Hawaiian Islands and consequently was a citizen of the United States.

Judge Estee asked how was the Court to know this. In San Francisco the commissioner of immigration took testimony on the issue of facts.

Mr. Brooks said the petitioner alleged he was a citizen of the United States, which the respondent in his answer denied, and that was the only Court that could try the issue. He suggested that counsel on both sides might be given time to file briefs.

Judge Estee said that would involve some time for the Court to consider the briefs, but he would be much obliged to the distinguished attorneys on both sides if they would file the points they desired to make at that stage.

Mr. Baird remarked that the argument thus far had been informal and in answer to a request from the Court for a suggestion, submitted that both sides should produce their evidence in chief.

Judge Estee observed that if that were done it would be the duty of the Court to hear the testimony. The question with him was that of jurisdiction. Referring to the appeal that was mentioned by Mr. Brooks as taken from the collector's decision, the Court expressed doubt if "the court below" was a court and, besides, this Court was not a court of appeal.

Mr. Brooks having asked for continuance until this afternoon, so that counsel could further look into the question of procedure, Judge Estee sent Deputy Marshal Hendry out to see if Judge Silliman intending using the court room. The report was made that Judge Silliman had left the building.

Judge Estee continued the case till 2 o'clock, adding, "but it is with the understanding that we may have to creations of American law. The Territory of Hawaii."

At this morning's session, Judge Estee naturalized these aliens: Wm. F. L. Stanley, P. McInerney, E. H. F. Wolter, R. Wassman, L. J. Harris and Edward Dunbar.

The following were admitted to practice in the United States District Court: J. M. Monarrat, Wm. F. L. Stanley, Edmund Burke McCannan and Sidney Miller Ballou.

To the Reform School.

Peter Kanokai, a twelve-year-old Hawaiian boy, was arrested Saturday on the charge of stealing a bicycle. In the Police Court this forenoon, defendant pleaded guilty to the charge and stated that he had sold the bicycle to a Waikiki Japanese for \$4. He also admitted being a wharf rat. Peter was sentenced to one year in the Reform School, Judge Wilcox remarking that he would be kept clean if nothing else, at that place.

Appointment Pleases Maui.

Waikuku, Aug. 11.—Senator A. N. Kepoikai brought up with him this week the commission for William E. Bay as superintendent of Waikuku and Kahului water works. The appointment has met with the universal satisfaction of the tax payers in these districts, for Mr. Bay is a model Hawaiian, a master mechanic, and therefore eminently suited for the office.

Judge Kalua Visits Hana.

Waikuku, Aug. 11.—Judge and Mrs. John W. Kalua left for Hana, Maui, per Claudine last Wednesday and are the guests of District Magistrate J. K. Iosepa. Judge Kalua telephoned over from Hana this morning announcing heavy rains over there, and also of the hearty welcome they are receiving from the kamaaina of the district. They will be away several weeks.

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TRYING TO SAVE THE PLANTATION

Maunalei Stockholders Hold an Important Meeting Today.

PROPOSITION FOR MAINLAND CAPITALISTS

The Growing Cane Being Cared for and Will Pay Express with Small Assent.

There was an important meeting of the stockholders of the Maunalei Sugar Co. this morning. It was decided to postpone the sale of delinquent stock, advertised for tomorrow, for 10 days or until the 24th inst. This action was at the request of a number of stockholders who want to stay with the company but cannot just now square themselves on the stock books.

Emmett May, secretary of the company, gives the Bulletin the following statement of its present situation:

"The proposition I have been working on is to secure capital in the States and turn over all the delinquent assessable stock to such capitalists who undertake to go on with the plantation. This offer has been made to some New York capitalists.

Col. Geo. W. Macfarlane has also been given the same proposition to lay before capitalists of San Francisco and New York.

"There is no doubt in the world that we can save the plantation. We are satisfied that there are between 2000 and 3000 shares that will stay with the plantation. The feeling is that this fact will be regarded by outside capitalists as to their advantage.

"We have 150 acres of good cane that will mature in December or January. This cane is estimated by the manager to produce about \$70,000 worth of sugar. Although not being able to raise money to continue the plantation now until we see about capital, we propose to continue irrigating this cane and are negotiating with the Pioneer Mill Co. to grind it. We can thus clear about \$25,000 on this cane."

"If we do not get this foreign capital invested in time, we are working on a proposition of forming a small syndicate here to look after the growing cane."

"At the meeting today there were represented, personally and by proxy, 6000 shares. We changed the bylaws so as to be able to have a quorum in case we sell the delinquent stock. Then we can hold legal meetings and get on with the plantation whether we obtain foreign capital or not. With an assessment of only about 1 per cent we have enough to keep the cane irrigated."

WILL TAKE IN PORTLAND.

Portland, July 27.—The first steamship which the American-Hawaiian Steamship Company will dispatch from the Atlantic Coast for Pacific Coast ports will come to Portland. This company has four steamers completed or nearing completion which rank well up with the largest freighters of their class. They register over 4500 tons net, and carry nearly 2000 tons of cargo. The first of these vessels, the Californian, has just been completed at San Francisco by the Union Iron Works, and is now en route to Manila with Government supplies. The next of these vessels to enter active service is the American, which will be ready for sea in about thirty days, and will load at New York and Philadelphia for San Francisco, Portland and Honolulu. Owing to the great size of the vessels, it was thought difficult enough to make it profitable to bring them to Portland, but offerings have been so satisfactory that the company has now determined to send every other steamer leaving New York right through to Portland.

The American will sail early in September, and will be followed in regular order by the Hawaiian, Oregonian and Californian. A fifth and still larger steamer is now under construction at San Francisco, and will be placed in the service as soon as she is completed. Among other freight which the American will bring to Portland is a lot of 500 tons of coal for the Pacific Coast Company.

In the Police Court today George Harbottle and Wm. Kanemoku were each sentenced to six months' imprisonment at hard labor on the charge of larceny in the second degree.

INDIGENT PRISONERS GET ABLE COUNSEL

Indictments for Serious Crimes Presented by Grand Jury.

STATUTORY PRIVILEGE FOR NATIVE HAWAIIANS

Judge Humphreys Orders Two Jurors Arrested for Failure to Answer to Their Names When Called.

Trial jurors have been called for the Circuit Court term at 10 o'clock this morning. E. A. Williams and C. N. Rose failed to answer to their names, and Judge Humphreys ordered attachments to issue for their arrest.

J. W. Cathcart, Deputy Attorney General, presented indictments signed by H. E. Walty, foreman of the grand jury.

Charles Downing was indicted for murder in the second degree by killing Pool. He was also presented in two indictments for assault with a deadly weapon on Elenakala and Kanae, respectively. Creighton and Strauss appeared for him, and had his plea reserved till Wednesday.

Kane was indicted for robbery. He is the native charged with lassoing a Chinaman on the highway and taking a sum of money from him. In answer to the Court, the defendant said he had not money of his own to engage an attorney, but his friends had money and perhaps might help him out.

Judge Humphreys said that, for a grave crime such as that charged, the statute required that the defendant be assigned able and experienced counsel. The Court therefore assigned W. A. Kinney to defend the accused. The Deputy Attorney General was ordered to furnish Kane with a copy of the indictment in the Hawaiian language.

Animoto was indicted for murder in the first degree by killing a fellow countryman at Kahuku. A. L. C. Atkinson appearing for him secured a reservation of plea until Thursday but was denied his request that a copy of the indictment be furnished the prisoner in Japanese. The Court stated that the order in Kane's case was made because the statute required it on behalf of Hawaiians.

Kii was indicted for malicious burning in the third degree by setting fire to canefields at Walaanae. Saying he was too poor to hire a lawyer, Lorrin A. Thurston was assigned to defend him.

The jurors were excused from 11 to 2 o'clock. The liquor selling case of Ottman comes first for trial.

Ish Hazabro and K. Hazabro were indicted for assault with dangerous weapons, and their pleas reserved till Wednesday. Atkinson for defendants. Kaapana for mayhem was assigned C. C. Bittling as counsel and his plea reserved till Wednesday.

The indictment of John Antone for uttering a forged instrument was quashed for error, and defendant re-committed to the grand jury.

Indictments against Wong Mau for 2 cents in the second degree and Achong for selling opium were passed until tomorrow.

T. Halaluhl, assault and battery, was granted a nolle prosequi. Manuel Souza, assault and battery, withdrew his appeal.

Lee Hoo vs. Lee Chong has been reinstated on the calendar by Judge Silliman. Davidson for plaintiff; Brooks for defendant.

Judgment dismissing the appeal of defendant in Wong Wing vs. Ah Tuck has been entered.

Judge Silliman has appointed Frank E. Thompson as guardian ad litem for Kahana, v. a minor and heir of the estate of J. Pinao of Ewa, deceased.

Might Have Been Trouble.

A colored seaman of the Ivy was looking for trouble during the whole of last week but unlike a great many people of the same mind, he did not find it. The fellow threatened the captain and his wife and wanted to whip the whole crew. In order to avoid trouble the captain paid off the man.

THE WATERMAN IDEAL FOUNTAIN PEN.

Great sale of boots and shoes at 2 cents on the dollar at L. B. Kerr & Co.'s shoe house, corner of Fort and Hotel streets.

Remember that robin's egg blue is the standing color of the Tribune bicycle. Whitman & Co. are the agents.

MR. M'KINLEY TO DOLE

DELEGATE KEPOIKAI TELLS OF MESSAGE TO HAWAII

Cordial Greeting by Republicans of Maui—Graphic Account of Experiences of Party Representatives to Convention.

Waikuku, Aug. 11.—Last Wednesday a welcome reception to Senator A. N. Kepoikai was given at the Windsor hotel, Waikuku. The affair was hurriedly gotten up through the instrumentality of Jas. H. Thomas. Among those present were: A. N. Kepoikai, J. M. Kaneakua, Sheriff L. M. Baldwin, W. A. McKay, S. S. Kaleikau, Jas. T. Taylor, W. T. Robinson, Jas. H. Thomas, T. B. Lyons, C. Lennox, Max Eckardt, J. N. K. Keola, A. Rooh, A. Z. Rodriguez, W. H. Field and Jas. T. Ahuli.

A long table, laid on the spacious lanai of the hotel, was filled with tempting viands and drinkables. During the progress of the breakfast, Mr. Thomas offered a toast for our guest, Senator A. N. Kepoikai, and in reply Mr. Kepoikai gave a graphic account of his trip to the National Convention at Philadelphia and their visit to the home of President McKinley, and how the President requested him to bear a message to Governor Dole to give the Hawaiians fair treatment.

The other speakers were J. M. Kaneakua, who assured those present that he was a staunch Republican and that he was one of the delegates who voted for Sam Parker and Judge Kepoikai as delegates to the national convention. Jas. T. Taylor gave a brief outline of the workings of the Republican club in some of the California counties. Judges McKay and Kaleikau and Postmaster Robinson also responded to various toasts, while Mr. Keola replied to a toast for the "Press."

Expensive Words.

Brainin, a sailor who was arrested Saturday on the charge of using vulgar, obscene and profane language on the street. It appears that the defendant had entered into a dispute about union and non-union sailors and, becoming excited, had let off a little steam in bad language. When Judge Wilcox asked Brainin if he had used the language attributed to him, the latter replied that he might have used a couple of words. He was immediately fined \$10 or \$5 for each word.

Manager Cropp Ill.

For three days last week, Manager Cropp of Koloa plantation, Kaula, was in such desperate straits that he was expected he would live. When the W. G. Hall left Nawiliwili Saturday he was out of danger. Mr. Cropp was attacked by pneumonia in both lungs in addition to which he had stomach trouble.

Patrolman's Horse Stolen.

Wide awake to his duty and hearing sounds of revelry by night at a jaler in Iwilei Saturday, Patrolman Kase jumped from his horse and went into the place to stop the racket. While inside, some one rode off with the officer's horse and the mount has not been found.

A complete new stock of gente shirts, collars and cuffs at L. B. Kerr's, Queen street.

Ladies' Lace



CLOTH and KID TOPS BLACK and TANS

These are handsome goods at more than satisfactory prices.

The wearing qualities—EXCELLENT!

Try a pair and see if we are not truthful in our statement.

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